

CARLOS A. ORTEGA,
Plaintiff,
v.
EDWARD FLORES, et al.,
Defendants.

Case No. [19-cv-00319-HSG](#)

**ORDER DENYING AS MOOT
PLAINTIFF'S REQUEST TO SERVE
COMPLAINT AND TO FILE A
SEPARATE COMPLAINT**

Re: Dkt. No. 12

Plaintiff, an insanity acquittee at Napa State Prison, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On May 1, 2019, the Court found that Plaintiff had stated a cognizable due process or Eighth Amendment claim against defendants A. Flores, J. Diaz, Melek, and Dugamis for the excessive use of force, and ordered service of the complaint on these defendants. Dkt. No. 7. On May 9, 2019, the Court denied as moot Plaintiff's request to serve the complaint on Defendants because the May 1, 2019 Order of Service had already ordered service. Dkt. No. 11. Now pending before the Court is Plaintiff's renewed motion for service of the complaint on defendants A. Flores, J. Diaz, Melek, and Dugamis, and requesting leave to file a separate complaint at a separate time against Chief Edwards Flores and Captain David Sepulveda on a theory of supervisory liability.

Plaintiff's renewed motion for service of the complaint on defendants A. Flores, J. Diaz, Melek, and Dugamis is again DENIED as moot for the reasons set forth in the Court's May 9, 2019 Order. Plaintiff's request for leave to file a complaint at a later time against Chief Edwards Flores and Captain David Sepulveda is DENIED as moot. Plaintiff does not require leave of court to file a complaint.

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1 This order terminates Dkt. No. 12.

2 **IT IS SO ORDERED.**

3 Dated: 5/31/2019

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5 HAYWOOD S. GILLIAM, JR.
6 United States District Judge

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